# EXHIBIT "A"

Case 3:22-cv-04973-MAS-DEA Document 1-1 Filed 08/09/22 Page 2 of 5 PageID: 5

# **SUMMONS**

Attorney(s) Russell Macnow Attorney At Law, LLC	——— Superior Court of
Office Address 265 Route 34, Suite E	New Jersey
Town, State, Zip Code Colts Neck, NJ 07722	
	Ocean County
Telephone Number (732) 780-0040	Law Division
Attorney(s) for Plaintiff	Docket No: <u>OCN-L-1260-22</u>
KEVIN SCHWEER and KIM	
SCHWEER,	
Plaintiff(s)	CIVIL ACTION
vs.	SUMMONS CLAIMS
SANDY ALUSINE, JB HUNT	SUMINIONS CLAIMS
TRANSPORT, et al,	JUL 1 5 2022
Defendant(s)	
From The State of New Jersey To The Defendant(s) Nar	ned Above:
from the date you received this summons, not counting t clerk of the Superior Court is available in the Civil Divis http://www.njcourts.gov/forms/10153 deptyclerklawref.	lerk of the Superior Court in the county listed above within 35 days he date you received it. (A directory of the addresses of each deputy ion Management Office in the county listed above and online at pdf.) If the complaint is one in foreclosure, then you must file your
answer or motion and proof of service with the deputy of from the date you received this summons, not counting to clerk of the Superior Court is available in the Civil Divis <a href="http://www.njcourts.gov/forms/10153_deptyclerklawref.">http://www.njcourts.gov/forms/10153_deptyclerklawref.</a> written answer or motion and proof of service with the CP.O. Box 971, Trenton, NJ 08625-0971. A filing fee pa Information Statement (available from the deputy clerk of it is filed. You must also send a copy of your answer or or to plaintiff, if no attorney is named above. A telephor answer or motion (with fee of \$175.00 and completed Cadefense.  If you do not file and serve a written answer or motion the relief plaintiff demands, plus interest and costs of suitable controls.	lerk of the Superior Court in the county listed above within 35 days he date you received it. (A directory of the addresses of each deputy ion Management Office in the county listed above and online at pdf.) If the complaint is one in foreclosure, then you must file your clerk of the Superior Court, Hughes Justice Complex, yable to the Treasurer, State of New Jersey and a completed Case of the Superior Court) must accompany your answer or motion when motion to plaintiffs attorney whose name and address appear above the call will not protect your rights; you must file and serve a written ase Information Statement) if you want the court to hear your on within 35 days, the court may enter a judgment against you for t. If judgment is entered against you, the Sheriff may seize your
answer or motion and proof of service with the deputy of from the date you received this summons, not counting to clerk of the Superior Court is available in the Civil Divishttp://www.njcourts.gov/forms/10153_deptyclerklawref.written answer or motion and proof of service with the CP.O. Box 971, Trenton, NJ 08625-0971. A filing fee pa Information Statement (available from the deputy clerk of it is filed. You must also send a copy of your answer or or to plaintiff, if no attorney is named above. A telephoranswer or motion (with fee of \$175.00 and completed Caddefense.  If you do not file and serve a written answer or motion the relief plaintiff demands, plus interest and costs of suit money, wages or property to pay all or part of the judgm. If you cannot afford an attorney, you may call the Lesservices of New Jersey Statewide Hotline at 1-888-LSN, not eligible for free legal assistance, you may obtain a re	lerk of the Superior Court in the county listed above within 35 days he date you received it. (A directory of the addresses of each deputy sion Management Office in the county listed above and online at pdf.) If the complaint is one in foreclosure, then you must file your clerk of the Superior Court, Hughes Justice Complex, yable to the Treasurer, State of New Jersey and a completed Case of the Superior Court) must accompany your answer or motion when motion to plaintiff's attorney whose name and address appear above, he call will not protect your rights; you must file and serve a written ase Information Statement) if you want the court to hear your on within 35 days, the court may enter a judgment against you for t. If judgment is entered against you, the Sheriff may seize your ent.  Legal Services office in the county where you live or the Legal J-LAW (1-888-576-5529). If you do not have an attorney and are ferral to an attorney by calling one of the Lawyer Referral Services. Vices Offices and Lawyer Referral Services is available in the Civil and online at
answer or motion and proof of service with the deputy of from the date you received this summons, not counting to clerk of the Superior Court is available in the Civil Divishttp://www.njcourts.gov/forms/10153_deptyclerklawref.written answer or motion and proof of service with the CP.O. Box 971, Trenton, NJ 08625-0971. A filing fee pa Information Statement (available from the deputy clerk of it is filed. You must also send a copy of your answer or or to plaintiff, if no attorney is named above. A telephoranswer or motion (with fee of \$175.00 and completed Cadefense.  If you do not file and serve a written answer or motion the relief plaintiff demands, plus interest and costs of suit money, wages or property to pay all or part of the judgm.  If you cannot afford an attorney, you may call the Loservices of New Jersey Statewide Hotline at 1-888-LSN, not eligible for free legal assistance, you may obtain a read directory with contact information for local Legal Services of Management Office in the county listed above a property of the property of the property of the county listed above a property of the property of the county listed above a property of the co	lerk of the Superior Court in the county listed above within 35 days he date you received it. (A directory of the addresses of each deputy sion Management Office in the county listed above and online at pdf.) If the complaint is one in foreclosure, then you must file your clerk of the Superior Court, Hughes Justice Complex, yable to the Treasurer, State of New Jersey and a completed Case of the Superior Court) must accompany your answer or motion when motion to plaintiff's attorney whose name and address appear above, he call will not protect your rights; you must file and serve a written ase Information Statement) if you want the court to hear your on within 35 days, the court may enter a judgment against you for t. If judgment is entered against you, the Sheriff may seize your ent.  Legal Services office in the county where you live or the Legal J-LAW (1-888-576-5529). If you do not have an attorney and are ferral to an attorney by calling one of the Lawyer Referral Services. Vices Offices and Lawyer Referral Services is available in the Civil and online at
answer or motion and proof of service with the deputy of from the date you received this summons, not counting to clerk of the Superior Court is available in the Civil Divishttp://www.njcourts.gov/forms/10153_deptyclerklawref.written answer or motion and proof of service with the CP.O. Box 971, Trenton, NJ 08625-0971. A filing fee pa Information Statement (available from the deputy clerk of it is filed. You must also send a copy of your answer or or to plaintiff, if no attorney is named above. A telephoranswer or motion (with fee of \$175.00 and completed Cadefense.  If you do not file and serve a written answer or motion the relief plaintiff demands, plus interest and costs of suit money, wages or property to pay all or part of the judgm.  If you cannot afford an attorney, you may call the Loservices of New Jersey Statewide Hotline at 1-888-LSN, not eligible for free legal assistance, you may obtain a read directory with contact information for local Legal Services of Management Office in the county listed above a property of the property of the property of the county listed above a point of the property of the property of the county listed above a property of the county listed above a property of the property of the county listed above a property of the property of the county listed above a property of the property of the county listed above a property of the propert	lerk of the Superior Court in the county listed above within 35 days he date you received it. (A directory of the addresses of each deputy sion Management Office in the county listed above and online at pdf.) If the complaint is one in foreclosure, then you must file your clerk of the Superior Court, Hughes Justice Complex, yable to the Treasurer, State of New Jersey and a completed Case of the Superior Court) must accompany your answer or motion when motion to plaintiff's attorney whose name and address appear above, he call will not protect your rights; you must file and serve a written ase Information Statement) if you want the court to hear your on within 35 days, the court may enter a judgment against you for t. If judgment is entered against you, the Sheriff may seize your ent.  Legal Services office in the county where you live or the Legal J-LAW (1-888-576-5529). If you do not have an attorney and are ferral to an attorney by calling one of the Lawyer Referral Services. Vices Offices and Lawyer Referral Services is available in the Civil and online at pdf.  Legal Michelle M. Smith Clerk of the Superior Court
answer or motion and proof of service with the deputy of from the date you received this summons, not counting to clerk of the Superior Court is available in the Civil Divishttp://www.njcourts.gov/forms/10153_deptyclerklawref.written answer or motion and proof of service with the CP.O. Box 971, Trenton, NJ 08625-0971. A filing fee pa Information Statement (available from the deputy clerk of it is filed. You must also send a copy of your answer or or to plaintiff, if no attorney is named above. A telephoranswer or motion (with fee of \$175.00 and completed Cadefense.  If you do not file and serve a written answer or motion the relief plaintiff demands, plus interest and costs of suit money, wages or property to pay all or part of the judgm. If you cannot afford an attorney, you may call the Leservices of New Jersey Statewide Hotline at 1-888-LSN. not eligible for free legal assistance, you may obtain a read directory with contact information for local Legal Services of Management Office in the county listed above another.//www.njcourts.gov/forms/10153_deptyclerklawref.	lerk of the Superior Court in the county listed above within 35 days he date you received it. (A directory of the addresses of each deputy ion Management Office in the county listed above and online at pdf.) If the complaint is one in foreclosure, then you must file your clerk of the Superior Court, Hughes Justice Complex, yable to the Treasurer, State of New Jersey and a completed Case of the Superior Court) must accompany your answer or motion when motion to plaintiff's attorney whose name and address appear above, he call will not protect your rights; you must file and serve a written ase Information Statement) if you want the court to hear your on within 35 days, the court may enter a judgment against you for t. If judgment is entered against you, the Sheriff may seize your ent.  Legal Services office in the county where you live or the Legal J-LAW (1-888-576-5529). If you do not have an attorney and are ferral to an attorney by calling one of the Lawyer Referral Services. Vices Offices and Lawyer Referral Services is available in the Civil and online at pdf.  //s/ Michelle M. Smith
answer or motion and proof of service with the deputy of from the date you received this summons, not counting to clerk of the Superior Court is available in the Civil Divishttp://www.njcourts.gov/forms/10153_deptyclerklawref.written answer or motion and proof of service with the CP.O. Box 971, Trenton, NJ 08625-0971. A filing fee pa Information Statement (available from the deputy clerk of it is filed. You must also send a copy of your answer or or to plaintiff, if no attorney is named above. A telephoranswer or motion (with fee of \$175.00 and completed Cadefense.  If you do not file and serve a written answer or motion the relief plaintiff demands, plus interest and costs of suit money, wages or property to pay all or part of the judgm.  If you cannot afford an attorney, you may call the Loservices of New Jersey Statewide Hotline at 1-888-LSN, not eligible for free legal assistance, you may obtain a read directory with contact information for local Legal Services of Management Office in the county listed above a property of the property of the property of the county listed above a property of the property of the county listed above a property of the co	lerk of the Superior Court in the county listed above within 35 days he date you received it. (A directory of the addresses of each deputy ion Management Office in the county listed above and online at pdf.) If the complaint is one in foreclosure, then you must file your clerk of the Superior Court, Hughes Justice Complex, yable to the Treasurer, State of New Jersey and a completed Case of the Superior Court) must accompany your answer or motion when motion to plaintiffs attorney whose name and address appear above the call will not protect your rights; you must file and serve a written ase Information Statement) if you want the court to hear your on within 35 days, the court may enter a judgment against you for t. If judgment is entered against you, the Sheriff may seize your ent.  Legal Services office in the county where you live or the Legal J-LAW (1-888-576-5529). If you do not have an attorney and are ferral to an attorney by calling one of the Lawyer Referral Services. Vices Offices and Lawyer Referral Services is available in the Civil and online at pdf.

WHEREFORE, plaintiff, Kevin Schweer, demands judgment against defendant, Sandy Alusine, for compensatory damages, consequential damages together with attorneys' fees, costs, prejudgment interest and such other relief as the court may deem just and proper.

### SECOND COUNT

- 1. Plaintiffs repeat, reiterate, and incorporate by reference the allegations contained in Count One of the Complaint as if set forth at length herein.
- 2. At all times relevant hereto, defendant, Sandy Alusine, was acting in the course of his employ with defendant, JB Hunt Transport.
- Defendant, JB Hunt Transport, is vicariously liable for the careless, reckless and negligent acts of its employee, Sandy Alusine, as the result of which plaintiffs have been damaged.

WHEREFORE, plaintiff, Kevin Schweer, demands judgment against defendant, JB Hunt Transport, for compensatory damages, consequential damages together with attorneys' fees, costs, prejudgment interest and such other relief as the court may deem just and proper.

### THIRD COUNT

- 1. Plaintiffs repeat, reiterate, and incorporate by reference the allegations contained in Counts One and Two of the Complaint as if set forth at length herein.
- 2. At all times relevant hereto, plaintiff, Kim Schweer, was the spouse of plaintiff, Kevin Schweer.
- 3. As a direct and proximate result of the carelessness, recklessness and negligence of the defendants, and each of them, plaintiff, Kim Schweer, has been and will be required to expend large sums of money in order to effectuate a cure for her husband, has and will lose the services of her husband and has otherwise been damaged.

### Case 3:22-cv-04973-MAS-DEA Document 1-1 Filed 08/09/22 Page 4 of 5 PageID: 7

OCN-L-001260-22 06/15/2022 1:14:10 PM Pg 4 of 4 Trans ID: LCV202222270777

### CERTIFICATION NO OTHER ACTION PENDING

I certify, pursuant to R. 4:5·1(b)(2) that the matter in controversy is not the subject of any other action or arbitration proceeding, nor are they contemplated. To the best of my knowledge and information, no other parties should be joined in this action.

Russell Macnow, Esq.
Attorney for Plaintiffs

DATED: June 14, 2022

## DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of  $\underline{R}$ . 4:25-4, the Court is advised that Russell Macnow, Esq., is hereby designated as trial counsel.

Russell Macnow, Esq. Attorney for Plaintiffs OCEAN COUNTY SUPERIOR COURT
OCEAN COUNTY COURTHOUSE
CIVIL LAW DIVISION
TOMS RIVER NJ 08754

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 504-0700 COURT HOURS 8:30 AM - 4:30 PM

DATE: JUNE 15, 2022

RE: SCHWEER KEVIN VS ALUSINE SANDY

DOCKET: OCN L -001260 22

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON MARK A. TRONCONE

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002 AT: (732) 504-0700 EXT 64366.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE WITH R.4:5A-2.

ATTENTION:

ATT: LAUREN PAPALEO
RUSSELL MACNOW, LLC
265 ROUTE 34
SUITE E
COLTS NECK NJ 07722

ECOURTS